

Filed 12/27/18 Glendale Coalition for Better Government v. City of Glendale CA2/5  
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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

GLENDALÉ COALITION  
FOR BETTER  
GOVERNMENT,

Plaintiff and  
Appellant,

v.

CITY OF GLENDALÉ,

Defendant and  
Appellant.

B283819

(Los Angeles County  
Super. Ct. No.  
BS147376)

APPEAL from postjudgment order of the Superior  
Court of Los Angeles County, James C. Chalfant, Judge.  
Reversed.

Colantuono, Highsmith & Whatley, Michael G.  
Colantuono, David J. Ruderman, Jon R. di Cristina; Michael

J. Garcia and Christine A. Godinez, for Defendant and Appellant.

Benjamin T. Benumof, for Plaintiff and Appellant.

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Defendant and appellant City of Glendale appeals from a postjudgment order awarding attorney fees to petitioner and respondent Glendale Coalition for Better Government. This appellate court reversed and remanded the judgment in *Glendale Coalition for Better Government v. City of Glendale* (Dec. 27, 2018, B281994 [nonpub. opn.]) for further proceedings. “With the judgment vacated, incidental matters, proceedings, or claims based on the judgment are likewise nullified.” (9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 869, p. 929.) An award of costs, including attorney fees authorized by statute or contract, necessarily falls with the judgment. (*Harris v. Wachovia Mortgage, FSB* (2010) 185 Cal.App.4th 1018, 1027.) The disposition reversing the judgment also reversed the postjudgment order governing attorney fees. Therefore, the City’s appeal from the post-judgment order must be reversed. (See *Evans v. Southern Pacific Transportation Co.* (1989) 213 Cal.App.3d 1378, 1388 [reversing the judgment operated to vacate the award of costs incident to the judgment, so plaintiff’s appeal of order denying motion to tax costs dismissed as moot].)

## DISPOSITION

The postjudgment order awarding attorney fees to the Coalition is reversed. The parties are to bear their own costs on appeal.

MOOR, Acting P.J.

We concur:

KIM, J.

SEIGLE, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.